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## Hastings Law News Vol.20 No.7

UC Hastings College of the Law

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# HASTINGS LAW NEWS

Volume 20, Number 7

Hastings College of the Law

San Francisco, California

April 14, 1987

## Board Turns Over College Management to Outsider

In an unprecedented and controversial move, the Board of Directors voted recently—in secret executive session—to turn over the financial management of the college to an outside consultant. According to a source in the administration who asked to remain unidentified, the Board has hired consultant Robert Kerley to assume the fiscal and management responsibilities which, until now, have

been carried out by Dean Bert Prunty. For the duration of Kerley's contract with the college, all staff members other than faculty will report to Kerley rather than Dean Prunty. According to Dean Prunty, Kerley's hiring represents "rightly or wrongly... an adjustment of management responsibility on a temporary basis." Similarly, Board Vice-Chairman Myron "Doc" Etienne sees Kerley's role as temporary. According to Etienne, Kerley is charged with developing a new management system for the college and will oversee college business for the next 90 days in order to facilitate the development of such a new system. Etienne stated that the improvement of the college's fiscal management was believed by the Board to be necessary in order to prevent "the sort of thing [alleged misappropriation of scholarship funds] that happened in 1979 from ever happening again."

Other members of the Board, however, see the hiring of Kerley as an attempt by Board Chairman Harold Dobbs to shift the focus of attention from the original misappropriation of the funds and to fix the blame on Dean Prunty. Chairman Dobbs, who could not be reached for comment, is the only member of the current Board to have served on the Board during the period in which the controversial real estate purchases were made. Dobbs has consistently denied

that the scholarship funds were misappropriated. He has also insisted that the Board, in any event, was unaware that the \$13 million was ever used for real estate. More than one member of the Board

expressed skepticism to the Law News at Dobbs's explanation, and an unidentified administration source stated that Dobbs "feigned ignorance back in 1979 to pin the blame [for the real estate transac-

tions] on [former] Dean Anderson and now that no one believes he was ignorant he has to drag Dean Prunty through the mud to throw the dogs off the scent."

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## ABA President-elect Robert Raven Will Speak at Commencement

By MCGREGOR SCOTT  
Staff Reporter

Hastings last week named Robert Raven, newly elected ABA President, as Commencement Speaker for the Class of '87, ending a long search which began last fall. Raven was not one of the initial candidates named in the selection process. However, Hastings is fortunate to have a lawyer of his extensive experience and background as Commencement Speaker.

Elevated to the position of American Bar Association President-elect by the 61 members of the ABA's nominating committee at its meeting in New Orleans last month, Raven will serve as the 112th ABA President. Yet he will only be the fourth from California and the first from San Francisco. Raven will assume the position of President-elect at the ABA's August meeting here in San Francisco, and will become President beginning in August, 1988.

The election is only the latest step in a career filled with achievement and dedication in the legal profession for Raven. After serving in the Army Air Corps during World War II, Raven received his A.B. from Michigan State in 1949. He then headed west to Boalt Hall, where he graduated second in his class in 1952. Four years after joining the San Francisco firm of Morrison & Foerster, he became the seventeenth partner at that firm in 1956, eventually serving as chairman from 1974 to 1982. He is largely credited with building Morrison & Foerster into the 287-lawyer firm that it is today.

Raven's activities in the Bar at the

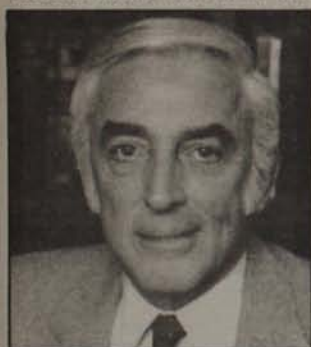
local, state, and national level are extensive. He served as President of the Bar Association of San Francisco in 1971 and as President of the State Bar of California in 1981. His prior activities on behalf of the ABA include: California State Delegate to the House of Delegates 1980-present; Chairman of the Standing Committee on the Federal Judiciary 1978-1980; and Chairman of the Standing Committee on Legal Aid and Indigent Defendants 1981-1983.

Raven was married to the former Leslie Kay Erickson in 1947. He and

his wife have three children, Marta, Matt, and Brett, who is a third year student at Hastings.

During a recent interview with the Law News, Raven discussed his selection as Commencement Speaker. While noting that he has not finalized his plans for a topic, Raven would like to urge upon the graduates the need for involvement in local, state, and national Bar associations. He views involvement in various Bar organizations as an opportunity for young lawyers not only to

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Board Chairman Harold Dobbs

been carried out by Dean Bert Prunty. For the duration of Kerley's contract with the college, all staff members other than faculty will report to Kerley rather than Dean Prunty.

According to Dean Prunty, Ker-

## Former Agent Stockwell Lashes Out at CIA

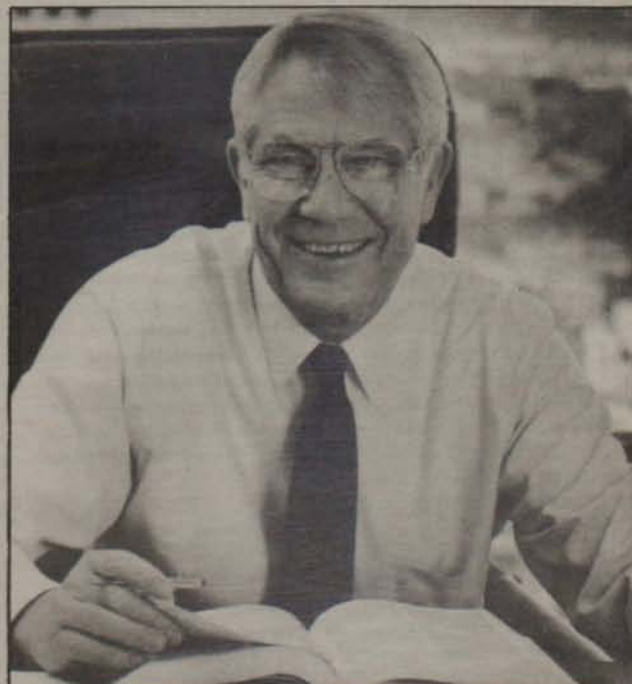
By ROGER STOLL and  
JUANITA HILLMAN  
Guest Writers

"The Central Intelligence Agency is currently destabilizing one-third of the countries in the world," said John Stockwell, a former high-ranking CIA officer, to a crowd of more than 250 at Hastings on March 25. Stockwell's talk, titled "Secret Wars of the CIA," discussed CIA activity all over the world, but centered on Nicaragua and current U.S. policy in Central America.

"Millions of people have been killed by our secret operations,"

Stockwell asserted. Pointing out that these destabilization operations are aimed not at the Soviet Union but at Third World countries with inferior military capacity, Stockwell said that "the victims of these operations have never had the capability to physically hurt the U.S." He cited detailed evidence that the Nicaragua *contra* force attempting to overthrow the Sandinista government is nothing more than another CIA "secret war" or covert operation against a state which in fact poses no threat to U.S. security.

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Robert Raven



# Justice Grodin Returns after Five Year Absence

By SHARON MIERAN  
Staff Reporter

and  
CHARLES MELTON  
News Editor

Joseph Grodin has returned to Hastings as a member, once again, of the full-time faculty. Grodin served as an Adjunct Professor at



Joseph Grodin

Hastings College of the Law from 1955 to 1960. He was appointed to the full-time faculty in 1972, where he remained until 1977. Grodin was recently quoted as saying that he is

"having a good time" in his capacity as a Hastings law professor once a week.

Grodin lost his November, 1986 retention bid, along with two of his colleagues, Chief Justice Rose Bird and Associate Justice Cruz Reynoso. All three justices had been appointed by Governor Jerry Brown, a Democrat, and all made themselves unpopular with the electorate by voting to reverse death sentences. Bird's defeat brought down Reynoso and Grodin also. They were linked to her in the opposition's television commercials late in the confirmation election campaign, when it became clear that the magnitude of the chief's impending loss was weakening them as well.

When asked about his experience on the California Supreme Court, Grodin stated that, although his service came to an abrupt end, he has no regrets. He said that it was one of the most demanding periods of his life, especially in terms of time, intellectual rigor, weight of responsibility,

and pure pressure. Yet, Grodin pointed out, the challenge itself was reward enough.

Grodin has expressed his concern over the attitude of many people that the law is a business, rather than a profession. He argues that the law is a way by which someone can be self-fulfilled and make a contribution to society at the same time. This philosophy has been evident throughout his long career.

Grodin was born in Oakland,

California. He was raised in the East Bay and attended the University of California, Berkeley, graduating with honors in 1951. Grodin graduated Cum Laude in 1954 from Yale Law School, where he was a member of the Order of the Coif. Upon graduation from law school, he was awarded a Fulbright scholarship to the London School of Economics. Following a leave of absence during which he entered private practice, Grodin returned to the London

School and received his Ph.D. in 1960.

From 1955 to 1972, Grodin practiced law in San Francisco. During this period, he also served as chairman of the San Francisco Bar Association's Committees on Labor Law and Equal Employment Opportunity. Grodin served on the Agricultural Labor Relations Board during 1975 while on leave from Hastings.

In 1979, Governor Jerry Brown

Continued on page 10

## ASH Notes

### Meeting of 2 March

Council Member Frank Watson moved to grant \$500.00 to the gym refurbishment project. The motion was amended to read that, in addition to the \$500.00 grant, all proceeds from ASH fundraising events for the remainder of the year should be devoted to the refurbishment effort. The 1066 Foundation has

already voted to raise \$25,000.00 for the project.

ASH Treasurer Holli Thier reported that over \$3,000.00 remained in the ASH reserve account. Thier then solicited suggestions from the Council for the improvement of the budget process. No suggestions were made.

The Council adjourned after ap-

proving a grant of \$50.00 for the Women's Basketball program.

### Meeting of 23 March

The Director of Arts and Recreation announced that \$132.50 had been raised for the gymnasium refurbishment project from the sale of truffles in the Old Commons. It was then announced that Lewtrell Osborne and Eric Oto had been removed from the Council, in accordance with ASH bylaws, for excessive absences.

In other matters, the Council voted unanimously to approve the nomination of Christopher J. Palermo, of the Class of 1989, as next year's Editor-in-Chief of the Hastings Law News.

The Council also rejected a request from the library for \$237.71 for paper and ribbons for the computers in the Learning Resources Center and voted, instead, to send a letter to the Dean asking that institutional funds be used to make up the deficit in the Center's budget.

# Clara Foltz Women's Union Revitalized

By JULIANNE SYLVA  
Guest Writer

Last fall the Clara Foltz Women's Union conducted a survey to determine some of the values and political beliefs held by women at Hastings. The purpose of the survey was to provide CFWU with an idea of how the group can adapt to better meet the needs of Hastings students. The 250 surveys collected yielded some surprising results.

The survey revealed that 82% of those polled consider themselves feminists and 81% agreed that feminist values influenced their life decisions. Additionally, 88% of the women surveyed agreed that women today need a women's movement. These results indicate that there are a number of students who would benefit from and participate in a women's organization at Hastings.

However, the CFWU has an active membership of only a handful of individuals. Members attribute this to the negative image CFWU has been said to hold around campus, to the sharp polarization between advocates for and against lesbian rights, and to the unity groups must have to attract and keep members in the face of the rigors of law school.

In the past, CFWU has been sharply criticized by those who feel the group represents the interests of a few types of individuals. To resolve this, CFWU is undergoing a revitalization that may include a name change as well as a restructuring of the organization. All female students are encouraged to attend the meetings this spring to form a group that will better represent the varied interests of women at Hastings.

A second reason why the membership is down could be attributed to the sharp division on the issue of lesbian rights. The survey revealed that 49% agreed that lesbian rights is an area where women should concentrate their efforts, while 31% dis-

agreed. Last fall members of CFWU and Lesbians in Law (LIL) combined forces to determine how to close the gap. The polarization of lesbian and straight women has jeopardized the unity of the national women's movement for two decades. CFWU is trying to foster greater understanding between the two groups.

A third possible explanation of the small membership of CFWU could be the group's lack of unity. Although the survey showed 65% of Hastings women feel that a women's union is necessary, few women have joined the CFWU, perhaps because they are putting their limited time and energy into other activities. To remedy this, the CFWU is planning several events that will address all women's interests in the law.

The first even that CFWU has planned is a reception for interested students to hear a panel of female faculty members and administrators address the issue of women in the field of law today. After a moderated discussion, questions from the floor will be answered and refreshments served.

The second event is the Twentieth National Women in Law Conference to be held in San Francisco in 1989. A steering committee composed of students from Hastings, Boalt Hall, and Golden Gate University is planning the conference which will gather female attorneys from around the nation to address the issues of the positive economical, political, and social effects of women in the law.

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The following are the results of the CFWU survey:

Hastings women agree that these issues are important to women today: abortion (87%), economic equality (92%), reentry services for older women (80%), divorce law (68%), health care (80%), child care (93%),

the feminization of poverty (79%), domestic violence (89%), balancing family and work (83%), and achieving political power (86%).

Additionally, 25% believe they experience no greater difficulties in law school than men; 68% disagree. While 82% believe that women have different strengths to bring to law, 12% disagree. As to their careers, 90% believe they will not have the same opportunities as men, 47% believe they will be hired over a man

only if they are more competent, and 60% have concerns about juggling the roles of attorney and mother.

\*\*\*

If you're interested in becoming a member of the new CFWU, seeing the results of the survey, or participating in the upcoming events, please contact Margaret Murray, Bonnie Hough, Pat Goldman, Lauren Smedley, or Julianne Sylva via SIC.

## From the Dean

by Dean Bert Prunty

I am pleased to announce that the Board of Directors at its March 20th meeting approved the faculty's recommendation to appoint Professor Daniel J. Lathrope as the College's new Academic Dean. Professor Lathrope received unanimous approval from both the Hastings faculty and the Board of Directors. Academic Dean

Lathrope did his undergraduate work at the University of Denver and then went on to Northwestern University School of Law for his J.D. and New York University School of Law for his LL.M. in Taxation. He has taught at Hastings since 1980 and has spent the last year working as the Associate Academic Dean. Dan is an extraordinarily competent individual and has the College's full support. I know we will all benefit by his appointment.

I would like to take this opportunity to thank all of the members of the Academic Dean Search Committee for their hard work over the last year. The Committee spent the Fall semester canvassing the field for possible candidates for the Academic Dean position. This search included

extensive communications with the deans and faculties of the stronger law schools across the nation and the services of the Association of American Law Schools. The Committee to recruit an academic dean worked diligently in screening and following up on a large number of external applicants before deciding on two external candidates and one internal, Dan Lathrope, to go for a faculty vote.

The faculty met on February 6th and of the 41 members present Professor Lathrope received 41 votes, an accomplishment previously unheard of in academia. To have 41 law professors agree at any one time on any one point is truly astonishing.

As you know, for the current academic year Professor Gail Bird has been working as Acting Academic Dean. Bird has done an outstanding job during a period of difficult transition, and she deserves the commendation and gratitude of us all. This coming fall she will return to her regular full-time teaching schedule.

Additionally, an issue central to the quality of the academic experience at Hastings has long been the



faculty-student ratio. We have submitted a plan to the State to effect a modest reduction in the number of students at the college to 1200 over a three year period. This decision is based upon a decline in the national and local applicant pools as well as intense pressure from the American Bar Association to improve our faculty-student ratio. With our current authorized strength of 49 faculty positions and a student body of 1200 we can reach a ratio acceptable to the ABA.

With a lower faculty-student ratio here at Hastings we will see an increase in individual faculty-student contact and an overall improvement in the quality of the academic experience at the College.



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## News Analysis

# Candidates Address Issues at Campus Forum

By DEAN SCHMIDT  
Guest Writer

Dashing into the two final weeks of campaigning for the U.S. Congress, five San Francisco Democrats packed over 200 people into the Hastings New Commons for a March 26 candidate forum. The Congressional seat recently became vacant after the death of Sala Burton who had, in 1982, succeeded her husband Phillip, possibly the most influential House member ever from California.

House races are rarely competitive, due mainly to the name recognition wise Congressional members cull from incumbency. As several of

the candidates are quite impressive, however, this primary is by no means decided.

As in many races, a most innocuous issue received much attention: the desirability of docking nuclear-armed warships, most specifically the U.S.S. Missouri, in San Francisco shipyards. Although the other candidates appeared to oppose the docking, City Supervisor Bill Maher disclaimed the value of an anti-nuclear policy where U.S. ships could not enter U.S. ports; he prefers to countenance nuclear policy in less backhanded ways. Maher, a San Francisco native, feels most attuned to local attitudes. His activities in the

area of civil rights and experience with local legislation were emphasized in his presentation. He also attempted to present himself as an environmental candidate, purportedly because he "doesn't like oil in his abalone."

Major environmental groups have instead backed Harry Britt, currently second in the polls. A forceful liberal who has the serious demeanor of a Southern evangelist, Britt inherited the gay supervisorial district of Harvey Milk, centered in the Castro District. Though speaking primarily of his alternative agenda and power, Britt's success will hinge on name recognition and whether he can swing a large election-day gay ballot. Although Sala Burton endorsed the frontrunner, Nancy Pelosi, Britt claims he would be more to her liking. He certainly is more like the aggressive, acerbic Phil Burton.

Britt may fall victim to the 'effectiveness' issue, which several candidates hope to capitalize on. Effectiveness on Capitol Hill requires a negotiating flexibility which is needed in persuading any large, diverse group. The gladhanding and backslapping congeniality that Britt disdains and often portrays as clubbish and valueless is necessary. Its absence would render Congress an ineffective body of issue screamers—unable to form coalitions behind various pieces of legislation.

Britt's speech began with a call for "alternative power" displacing "establishment power." Britt's mention of "power" may disturb some. His

motivations and views on the office may be questionable. Our national elections should not be viewed, especially by the candidates themselves, as a choice of who is to "accede to power."

Campaign pressure manifested itself in Doris Ward's opening requests to be elected to "City Supervisor." She soon compensated for this mistake with an honest and open presentation of her campaign values. The only major black candidate, she was reassuring as the least powdered. The most genuine advocate of social programs, emphasizing housing policy, Ward's campaign has failed to catch fire.

A fourth candidate, Carol Ruth Silver, presented an issue schemata that consumed her allotted time. Though maligning nuclear policy and budget deficits, she failed, when given a chance, to go further than national paradigmatic solutions. She stated that the Democrats need national imagination and a forceful advocacy of alternate solutions, especially in Congress.

Front runner Nancy Pelosi is polished and from a political family. She has good stage presence and is quick on her feet. Her recall of legislative issues is exceptional her knowledge of issues surpassed that of the other candidates. This surprised the large Hastings crowd, who largely expected a narrow dilettante from Britt's "established class." She also has national experience. She was California Democratic Chairwoman, organizer of the 1984 Democratic

Continued on page 10



Democratic candidates presented platforms and promises last week before students gathered at the Dining Commons.

## Board Turns Over Management

Continued from page 1

The motivation behind the hiring of Kerley may not be perfectly clear, but the implementation of the hiring appears to have been carried out in a manner hostile to Dean Prunty. According to sources in the administration and on the Board, General Counsel Max Jamison called a meeting of the college staff on Monday, March 30, without the knowledge or con-

sent of the Dean, and announced that, for the next six months, the entire staff would report directly to Kerley. On the following Thursday, the Board met in secret executive session during which, in the words of one source, several members of the Board "vigorously objected" to Jamison's behavior and insisted that the original unlimited duration of Kerley's contract be reduced to only 90 days. The meet-

ing of the Board did not adjourn until after midnight.

Jamison, who was made General Counsel upon his retirement from the Board last year, served on the Board with Dobbs during the time that the misappropriation of scholarship funds was made. A source close to Jamison told the Law News that "he [Jamison] definitely knew what was going on back in

1979, and he and Dobbs have a vested interest in shifting attention elsewhere." Jamison has denied that he or any other member of the Board was aware of the misappropriation of funds.

Faculty and students have reacted critically to the hiring of Kerley, expressing concern that such a potentially far-reaching decision could be made without any faculty or student input whatsoever. "This is a very important matter," stated ASH President Steven Elie, "and I can understand some secrecy; but, if the Board ever hopes to change its image and earn the respect of the students and the rest of the Hastings Community, it should, at the very least, consult the student and faculty leadership before making decisions which affect all our lives." Hope was expressed by one faculty member that, once Kerley's 90 day management of the college was completed, his findings and recommendations would be referred to the faculty for review before any permanent changes were made by the Board. "Otherwise," the faculty member stated, "I think the Board might have a revolution on its hands."

## ABA President-elect Raven To Speak

Continued from page 1

put something back into the legal profession, but as a forum to improve the legal profession itself.

"After all, attorneys are the priests and priestesses of the legal profession," he said. "They must have an active role in improving the process."

As a means of accomplishing this improvement, Raven wants to see the ABA continue its advocacy of sufficient legal representation for all members of society. This must be extended to indigent and other peoples. Raven emphasized the role that the ABA played in protecting Legal Services Corporation in 1981 when President Reagan proposed cutting its funding. He views this as a good

example of the role that the ABA can assume in providing legal representation to all members of society.

In addition, Raven will attempt to use his position as ABA President to improve relations between the profession and law schools. Specifically, he wants to see ABA members provide lectures, programs, and other help to law students, particularly first years, to help them focus on the end result of their three years of hard work. Raven stated that he finds it somewhat hypocritical for law firms to stand outside the door on the day of graduation courting young lawyers without having done anything to help students get to that day. Raven wants to begin the law stu-

dent's exposure to the Bar as early as possible.

Rounding out his proposed topics for the commencement address, Raven indicated that he will emphasize the importance of the third branch of government, the judiciary. While the Congress and the President tend to get most of the publicity and attention, it is the Supreme Court, and the judicial system at large, that effects our lives most directly. Raven emphasized the vital role that lawyers play in this system, tying it to an enhanced sense of responsibility as attorneys. Raven will prove to be an interesting speaker on May 24.

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# EDITORIAL

## HAROLD DOBBS SHOULD RESIGN AS CHAIRMAN OF BOARD

Over the last several months, Hastings has been adrift amidst a sea of troubles. Attacks from the press and the State Assembly, investigations by the Auditor General and the Attorney General and a growing sense of dissatisfaction among students and faculty have all combined to cast a shadow upon the reputation of the school. Unfortunately, in the popular mind at least, the blame for these difficulties has been laid upon Dean Bert Prunty. If this misapprehension of fault were merely the product of mistaken impression, it would be innocent enough and could be dismissed as such. The Law News has learned, however, that a deliberate attempt is being made to use Dean Prunty as a scapegoat. We find this deplorable.

The Board of Trustees of this college is charged with the first and the final responsibility for the well-being of the school and the proper use of its assets. The Dean and the administration exist merely to execute the will of the Board. Neither Dean Anderson, Dean Prunty's predecessor, nor Prunty himself are responsible for the investment of the restricted funds in real estate. Surely it is ludicrous to imagine, despite the protestations of Board Chairman Harold Dobbs to the contrary, that the Board during Anderson's time knew nothing of the six million dollar investment that was made; and, as for Prunty, he was not even hired until some three years later. The blame for the mishandling of the funds can thus be laid nowhere but upon the Trustees of the college. Theirs is the position of responsibility.

Lamentably, the Chairman of the current Board, Harold Dobbs, and the school's General Counsel, Max Jamison, have met the current crisis, not with the integrity we might expect from persons in such positions of public trust, but with evasiveness, self-interest and cowardice. These two gentlemen, both of whom were on the Board when the misappropriation of funds was made, (Dobbs was Chairman of the Finance Committee) have consistently refused to shoulder the responsibility for their actions and are now attempting to fix the blame on others.

Throughout Dobbs' tenure as Chairman, Hastings has experienced a decline in reputation and a paralysis of leadership. The West Block properties remain undeveloped, producing more lawsuits than income. Progress on the Tower is slow and dependent upon outside contributions. The KGO building sits idle and unused. Perhaps if Chairman Dobbs devoted more energy to the development of the college and less to the preservation of his own prestige, many of our problems would be solved.

On the legal front, Hastings is beset with litigation and mired in controversy. General Counsel Max Jamison is said to have received his job as a sinecure upon his retirement from the Board. The somnambulist torpor with which he performs his duties indicates that he shares this opinion. Hastings desperately needs the vigorous representation of an energetic General Counsel. Jamison has simply failed to provide such representation.

We do not mean to imply that the Board as a whole is unworthy of its trust. On the contrary, the Board is primarily composed of recent appointees well known for their integrity and independence. It is time for these new members to begin exercising a leadership role. The Chairmanship of the Board should be turned over to one of these newer members. In addition, a more energetic General Counsel should be hired to replace Jamison.

Dobbs and Jamison represent a style of management which was perhaps useful in the 1950s, but times have changed. The days of retrenchment, defensive tactics, closed meetings and widespread alienation between the Board and both faculty and students are surely behind us. It is time that the present Board made a clean break with the past, and attempting to pin the blame for past mistakes on anyone other than those responsible will not facilitate such a break. If Dobbs and Jamison have any interest at all in the well-being of the college, they will quietly resign before outside pressure and internal dissent result in the elimination of our independent Board of Directors altogether.

## Letters to the Editor

### Blood Drive

#### To The Editor:

The Law News' "reporting" of AIDS Awareness Week at Hastings ("Student Blood Donors Shown Gay Porno Film," March 16) was both inadequate and ill-informed. Your characteristics of the safe sex film as "porn" reflects a naive, disingenuous, and misguided point of view. This epidemic requires education which is explicit and straightforward. Use your resources to inform the

Hastings community about AIDS, not to undermine those responding to the reality of this deadly disease.

Ellen M. Blumenthal  
Third Year Student

#### To The Editor:

Poor David Daniels. His appetite for "moral outrage" will apparently never be satisfied. His commentary on the showing of the film "Life-guard" ("an inexcusably offensive act [that] should never be repeated," he tells us) at the recent blood drive/

## Penned From The Pig-Style

## Kill or Be Killed

By DAVID DANIELS  
Editor-in-Chief

Dean Prunty, in the last issue of this newspaper, was kind enough to refer to the debate occurring in these columns over the LEOP program as "thoughtful." I don't believe that the debate was "thoughtful" at all. In fact I think it was mindless and trivial. If I have learned one thing during my tenure as Editor-in-Chief of the Law News, it is that prodding the Sacred Cows of Liberalism yields little more than bellowing and sour milk.

I had actually hoped, when I accepted this position, that I would be able to generate a little debate on a few relatively important topics. Instead, all I have discovered is that anyone who supports the CIA is a Nazi, anyone who questions Affirmative Action is a racist and anyone who questions the use of pornography as an educational tool is a homophobe.

I refuse to take personal offense at the name-calling, but I am rather dismayed at the apparent inability of my critics to participate in meaningful debate on the issues. I suspect that this inability stems mainly from the fact that "liberal" ideology has been the gospel of the political establishment for so long that its proponents, not accustomed to defending it, have forgotten how to do so. Instead, they hurl epithets like "Nazi" and "homophobe" in what is, I assure you, an altogether vain hope that their detractors will tire of the harassment and fall silent.

Since my last column failed to generate any response worth noting, I will venture this month into the realm of penal theory and make a proposal which I hope will provoke a modicum of intellectual (or at least relatively unemotional) debate.

Most of us can agree that the criminal justice system in the United

States is in trouble. Prisons are overcrowded, court dockets are swamped and police can no longer provide adequate protection in many areas of the nation's larger cities. Few solutions to the criminal justice problem have actually been proposed. Building larger prisons, for example, or creating more judges and policemen, will not really solve the problems which exist but are merely stop-gap measures designed to temporarily alleviate the symptoms. A major aspect of the over-all problem seems to be the fact that, no matter how fast we build new prisons or hire more judges and policemen, we are simply unable to keep pace with the burgeoning criminal population.

Criminal law is generally thought to serve one or more of the following four goals: retribution, rehabilitation, deterrence and incapacitation. The fourth goal of penal law, incapacitation, is considered by some theorists to be an aspect possibly the ultimate aspect of deterrence, but I believe, for reasons to be developed later, that it should be given separate consideration. The administration of criminal justice depends largely upon the prioritization of the above goals. Unfortunately, under the present state of affairs, certain of the goals are impossible to realize. It is unrealistic, for example, to expect the rehabilitation of a criminal who is pent up in an over-crowded cell and subjected to repeated assault and abuse. It is even doubtful whether retributive justice is well served in such an uncontrolled and excessively harsh environment.

For the foregoing reasons (and others of which the restrictions of space forbid mention) I have come to believe that, of the four acknowledged goals of the criminal law, incapacitation should be given the greatest emphasis. By incapacitation, of course, I do not mean incarceration, but execution. As extreme a solution as an expanded application of the capital penalty may seem, it

should not be summarily ruled out. Difficult times, it must be remembered, require stern measures.

The legislature could determine, for example, that all repeat offenders of violent felonies would be automatically subjected to the capital penalty. It is a sad fact that a large percentage of the crime committed in the United States is perpetrated by recidivists. Under an incapacitation rationale, of course, it would even be possible to eliminate non-violent criminals after a sufficient (legislatively determined) number of repeated violations. Whether this would be necessary or not could easily be determined by reference to crime statistics and the decline in the prison population after the capital penalty had been enforced against violent felony offenders for several years.

The benefits to be gained from the implementation of an incapacitation rationale are numerous. Prison populations would decline and crime rates would undoubtedly go down. It is logical, after all, to assume that a decline in the criminal population would be accompanied by a decline in the amount of crime itself. Once the criminal population were brought within acceptable limits and the strain on the criminal justice system relieved, more resources of both time and money could be devoted to the meaningful rehabilitation of those criminals with the appropriate potential for such rehabilitation.

Ultimately, then, an incapacitation approach to criminal theory provides the means by which other, perhaps more noble, goals of the criminal law may be achieved. The argument may be made that my solution is rather brutal, but I have no doubt that most of those who immediately reject it have nothing to put in its place. ■

ability to be offended.

But if his unending capacity for outrage is not to be faulted, his choice of targets certainly should be. Look at the Blood Drive "incident" in context—A massive epidemic is sweeping this country and the world. There is no known cure or chance of recovery. It has already claimed thousands of victims. Concerned with this situation, a group of Hastings students decides to do something to help to increase awareness of this disease and how to prevent it,

and to raise funds for similar community efforts. In the process of doing this, they show a film which includes scenes of gay men engaging in "safe sex" practices. It certainly may have been an error for the AIDS Foundation to distribute this film for a screening at Hastings. But for them to distribute to an intended target audience of gay men—who remain, nationally and locally, the chief high-risk group for AIDS and the great majority of AIDS victims—

Continued on page 7



# OPINION

## Dissenting Opinion

### Other Profs Guilty of Kaplanesque Exam Techniques

By PAT EVARSON  
Columnist

I was uncomfortable with the amount of space given to last issue's article on the controversy surrounding Professor Kaplan's property final. There are so many instances of professorial abuse of the examination process that a lengthy article focusing on one woman somehow seemed unfair to me.

Adjunct professor Blinder, known for the Twinkie defense in Dan White's murder trial, teaches a two-hour course on Psychiatry and the Law here. Last semester, his final exam was scheduled to last two hours. The majority of the students in his class completed the exam in about ten minutes. The format of the test resembled a high-school quiz: two pages of questions with brief fill-in answers requiring easily mem-

orized buzzwords.

Many students viewed this exam as an insult while others considered it an inadvertent joke. Some especially those that had feared the worst, were delighted. Most shrugged it off as another example of Hastings' inconsistency.

One student who was not amused had taken the course with a genuine interest in forensic psychiatry. This student has written a Ph.D. dissertation on psychology in the humanities. He also taught it at U.C. Berkeley and has published a book and numerous professional articles about the subject. In his opinion, the exam should have been unacceptable as a law school exam. He does not believe the exam measured any useful psychological knowledge. While conceding his past work in the field, including post-doctoral work, does

not mean that he should automatically receive a good grade, he was quite surprised when he received the lowest grade in the class. Blinder agreed that such a ranking was improbable.

Although the student only wanted to ask about the format of the examination, when Blinder defended the format by showing the top scoring exams, his inquiry changed. Some of the correct answers were either ambiguous or downright incorrect. The student discovered he did not receive a better score because he had not regurgitated Blinder's own phrases. Blinder insisted he had the right to require that his own words and opinions were the only correct answers. He even felt he was entitled to mark as wrong an answer almost identical to one in a standard professional encyclopedia.

When the student protested to act-

ing academic dean, he was told Hastings professors may examine any way they want and the grades are not subject to change unless there is a computational error. The complaint is now before Dean Prunty.

Let us not forget Professor Tierney's contracts and criminal law finals invariably include overtly racist and sexist fact patterns. The administration's response to complaints regarding those tests is that we should ignore Tierney, who writes such fact patterns in order to receive the attention they invariably engender. Such ignorance is admittedly easy for many of us, but I can imagine it is a more difficult task for a black student to write about "incompetent poor blacks" on a contracts final without an adverse effect on his or her concentration.

The list of other grading problems is quite lengthy. Professors who make absolutely no marks on essay finals are not required to provide any explanation or feedback. If every student taking a test wrote an A paper, Hastings' mandatory curve would force most of those people to take C's. A student who makes all C's and one C- will not be allowed to graduate, since the resulting grade point average is below the 2.0 required for graduation. Given these facts, it seems that either new grading standards should be established or a different grading system should be imposed.

I would like to praise Professor Prince, who staples a tally sheet showing what areas were covered by each question inside of each test booklet. The student can use the sheet to determine what points were scored in each area. This tally sheet is a helpful learning aid; in addition to showing what a student may not have learned, it also shows what she *did* know, but failed to develop in writing the answer.

Those of you who know my real name know I was a finalist in the run-off election for the candidates in the Commencement student speaker election. On the day the results first were announced, a member of the Law News editorial board approached me and stated that if I remained in the race and was ultimately elected, I would be lambasted by the Law News. He said he would consider it "open season."

I have no problem with being criticized by other writers in the Law News. Such criticism comes with the territory. After all, I should be willing to take at least as much criticism as I dish out, if not more. However, I do object to a representative of this paper threatening to use his position as a means to intimidate and keep someone from engaging in the democratic process.

His threat was futile, anyway. I had already made the decision to withdraw from the race in order to avoid splitting the progressive vote.

## Honi Soit Qui Mal y Pense!

### Why I am Bored with Lindsay

By GERALD TOMASSIAN  
Copy Editor

When the five finalists for student speaker were announced, I was shocked to hear that Ginger Lindsay, a.k.a. Pat Evanson on the list. Knowing how she craves anonymity, who would have thought that Lindsay would seek the limelight and accept her nomination for student speaker? I guess she is one of those "reserved students" who has never dreamed about being a commencement speaker nor engaged in "self-glorification".

After Law Revue, which was terrific in case you missed it, I approached Ginger to discuss this matter casually and humorously. I thought the conversation was less than serious and personal. I guess I was alone in that belief. I first asked how she could have called me a liar in her last column without having talked to me or gotten the facts straight. Again, I was kidding and joking through most of our conversation. Ginger's repeated use of the laymen's term for intercourse with a smile on her face also lead me to

believe she was taking very little of what was said seriously.

Our second topic of discussion was Ginger's willingness, at the time, to vigorously pursue her election as student speaker. After her previous attack on the whole process, I felt it was ironic for her to run. I did state to her my intention of exposing this blatant display of hypocrisy, if she were elected and decided to accept. I did not say her mere candidacy would elicit my response. Once again Lindsay has distorted the facts and assumed the worse. Just because I, as a columnist, was willing to waste space to highlight her hypocrisy does in no way mean that the Law News would also be so foolish.

I believe that Lindsay has gone too far this time and it is important that the truth be stated. In all her columns to date, I have seen only negative statements and distortions. Has Lindsay seen anyone or anything she likes at Hastings? As if questioning my integrity was not enough, she has now chosen to make a personal conversation public and taint its true context. I am glad that she has decided not to pursue her

candidacy any further, since I would prefer that this be her one and only appearance in this column.

On a lighter note, it seems that either a pervert is roaming McAllister Towers or someone is suffering from a severe shortage of undergarments. Reportedly, women's underwear is constantly being stolen from the dryers in the Tower laundry room. Is nothing sacred anymore? Such acts of moral turpitude belong in a fraternity and have no place at Hastings. If anyone has any evidence or information please contact the Law News, especially if the evidence is some of the ill-gotten booty.

Finally, for those of you that have not heard, Chris Palermo will be Editor-in-Chief of the Law News next year. Chris has an extensive background in journalism along with previous experience as an editor in chief of a college newspaper. I am sure he will meet the challenge with fairness, creativity, and professionalism. I would like to extend Chris my congratulations and wish him continued success.

## Letters

Continued from page 6

a film that may popularize and encourage the use of sexual practices which greatly lower the risk of transmitting AIDS, should not be faulted. (Daniels, on the other hand, considers this a "resort to pornography.") That the film was shown to the wrong audience is probably true (although it shouldn't be too difficult for heterosexuals to extrapolate from gay "safe sex" scenes those practices which might be used by them and

those which might not). But was any harm done?

In my mind, this "incident" caused only two problems of any note: (1) it may have helped perpetuate the misconception that AIDS is a "gay disease" and that heterosexuals have nothing to worry about; and (2) it triggered another episode of "outrage" by David Daniels, who felt moved to share it with the rest of us, along with his musings on the genre ("if there is such a genre") of "homo-

sexual pornography" and his obligatory denial of any "interest . . . in the achievements of homosexual cinema."

As a careful reader of the Law News, I cannot seem to remember Daniels ever sharing with us his "moral outrage" over an epidemic that has claimed so many or at a federal government which has dragged its feet from day one in devoting adequate moneys for AIDS research

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## HASTINGS LAW NEWS

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Unsigned editorials represent a consensus of opinion of the Editorial Board. The Editorial Board consists of the Editor-in-Chief, the Managing Editor, and the Copy Editor.

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Questions and comments about advertising or editorial content should be directed to Hastings Law News, Hastings College of the Law, 200 McAllister Street, San Francisco, CA 94102.

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Ceteri Flocci Ducimus*



# FEATURES

## Heat Fizzles; Mr. Right Still Proves Elusive

By CHRIS PALERMO  
Managing Editor

Spring movie releases are generally disappointing, and this season is no exception. There are so many turkeys at the theatres you'd think Thanksgiving is around the corner. Until the summer box-office blockbusters are released, moviegoers must be very careful to avoid throwing money away on a bad film.

ed with offers and scripts proffered by producers and studios with dollars dancing before their eyes. Seidelman's latest offering is a dismal, insulting picture called "Making Mr. Right." It's been billed as a "post-modern romantic comedy," but that moniker is a meaningless label designed to convince you that the film is off-beat, irreverent, and "pop."

Nothing could be further from the

cynical, nauseatingly vulgar, and unrelentingly negative.

As social commentary, "Mr. Right" may have redeeming value, especially for eligible men and women

who have given up hope for finding a mate. But the script is so adolescent and the performances of Malkovich and Magnuson are so sophomoric that only a deeply unhappy, utterly

hopeless person could stand to sit through this celluloid nightmare.

I hope that next month I'll be able to report on the first gems of the summer release season. ■



Frankie Stone (Ann Magnuson) falls in love with an android, Ulysses (John Malkovich) in the new Orion Pictures release, "Making Mr. Right."

However, some wheat can be found among the chaff. "Heat," which stars Burt Reynolds, is probably the most insipid movie I've seen in several years. If I could say nothing at all about it in this space I would, but unfortunately I have to send a copy of this review to the P.R. people who subjected me to two boring, ludicrous hours of Burt blowing up mafiosa in Las Vegas. Not since my last bout of insomnia when I groggily watched the Tough Guys Festival on Channel 44 (Chuck Norris, et. al.) had I seen villains pummelled and tossed through the air in slow motion. Fortunately, my last glance at the Chronicle failed to reveal any theatre still exhibiting this asinine farce of a film.

That directors who are wildly successful with their first film always make mediocre second movies seems to be a law of nature, one which Susan Seidelman has not escaped. After making "Desperately Seeking Susan" last year, Seidelman became one of the hottest directors in Hollywood (to my amazement), swamp-

truth. Set in the near future, the movie tells the derivative, patently dumb story of Frankie Stone (Ann Magnuson) an upwardly mobile advertising executive who's fed up with the men in her life. When a sprawling chemical corporation asks her to promote its latest creation, a blonde android named Ulysses (John Malkovich) which looks like a life-sized Ken doll but which has no sense of etiquette, Stone leaps at the chance. Finally, she can create "Mr. Right" from the ground up! Only problem is, Ulysses doesn't know anything about modern society so his naivete keeps getting him into problems. And then the REAL hijinks begin!

From there, the film degenerates into a string of badly-contrived situations and loudly telegraphed locker-room jokes, climaxing improbably when Frankie and Ulysses fall in love. The wittily original film "Starman" dealt with the same themes and problems as "Making Mr. Right," but "Starman" was fresh and sincere, while Seidelman's film is

## Lawyers Hurt Economy, Researchers Say

The number of lawyers in a country has detrimental effect on economic growth, two USC economists have reported.

Researchers Samar K. Datta and Jeffrey B. Nugent, writing at 14 *World Development* 1457, examined economic growth and the number of lawyers per capita in 52 nations to test their hypothesis that "economic growth will be inversely related to the relative importance of adversary relationships."

The scientists identified three possible explanations for their observations. First, they reported, some lawyers try to create or exaggerate existing differences between adverse parties in order to generate higher fees for themselves. Second, legislators may deliberately or inadvertently create restrictive rules which slow economic growth. Finally, the authors note, since lawyers are generally the most intelligent members of society, diverting them from growth-enhancing economic activities reduces both the gross economic output and growth of a country.

The report showed a certain correlation between economic growth and a low proportion of attorneys to citizens in nations such as Korea and Japan. Iceland and the United States, with the largest number of lawyers per capita, showed slower growth

rates.

Datta and Nugent characterized their results as "very tentative," since they stem from a "very simple test," and admitted their data and technique suffer numerous shortcomings. For example, no attempt was made to adapt the data to the different roles played by lawyers in various nations. Also, the authors did not differentiate between different kinds of lawyers.

"By no means is what lawyers do necessarily of no social value," the scientists wrote. "Indeed, we would be surprised if someone could not come up with (data) which might even support the opposite conclusion," the report said.

Datta and Nugent also reported that existing restrictions on the number of attorneys entering practice each year helps ameliorate the

situation. Specifically, retaining high standards for law school admission, bar examination, and accreditation of law school limits the number of persons who become "fee-seeking," "growth-reducing" lawyers.

The economists' report was designed to test the transaction-costs theory of economic growth, which relates prosperity in a country to the costs of exchanging services, currency, or products between citizens of that nation.

"Societies which find ways of reducing the number of highly qualified people that are needed for resolving conflicts, thereby allowing people to concentrate on economically productive activities, may be better able to enjoy more rapid economic growth," the authors concluded.

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# Institute Provides Wide Range of Services To Immigrants

By CHARLES MELTON  
News Editor

The International Institute of San Francisco is a non-profit, private social services agency that has been meeting the needs of recently-arrived immigrants and refugees since 1918. Students interested in immigration

## Foreign Study

Students who wish to study comparative and international law in Italy, Austria and France next summer may enroll in the 1987 Summer Seminars Abroad program sponsored by The Dickinson School of Law.

Programs will be held in Florence, Italy; Vienna, Austria and Strasbourg, France. Students enrolled in law schools accredited by the Association of American Law Schools or the American Bar Association are eligible.

The first summer program involves four weeks of study in Florence, Italy, June 8 through July 3. European scholars and practitioners will work with members of The Dickinson School of Law faculty to teach courses in comparative law, legal aspects of European economic integration,

law or foreign policy may learn a variety of different skills by volunteering time with the Institute.

The agency was originally established as an educational program for immigrant women and girls under the leadership of the YWCA. From 1918 to 1920, the Institute grew

and transnational and comparative civil litigation.

The second summer session involves two consecutive two-week sessions, the first in Vienna, Austria beginning July 5 and the second in Strasbourg, France beginning July 19 and ending July 31. Courses in comparative constitutional and human rights law, comparative legal professions, and comparative procedure and dispute settlement will be taught by members of the Dickinson faculty and international legal scholars and practitioners.

For more information call or write Dr. Louis F. Del Duca, Associate Dean for Advanced Legal Education, The Dickinson School of Law, 150 South College Street, Carlisle, Pennsylvania 17013. Telephone: (717) 243-5529

steadily, absorbing the Chinatown, Japanese, Russian, Greek and Italian YWCA centers. In 1934, the Institute gained independence from the YWCA, joined the Community Chest as a charter member, and the American Federation of International Institutes. Finally, in 1954, the Institute was incorporated as a non-profit social service agency. Presently, a nation-wide organization of 31 agencies dedicated to providing services to immigrant and refugee groups.

The force of international events has always influenced the work done by the Institute. Its clients reflect the social and political upheaval and economic hardship in the world. In 1946, it created an activity and cultural program for Japanese war brides. In 1950, the Institute assisted Filipinos who had come to the United States as a result of their wartime service. The Hungarian Refugee Resettlement Project was set up in response to the failed 1956 Hungarian Revolution.

This tradition of responding to the needs of the times has persisted to the present. Vietnamese boat people, Cambodians, Ethiopians and refugees from Central America are recent examples of the Institute's

clientele.

In any one year, the Institute assists thousands of immigrants and refugees in their attempts to seek both safe haven and opportunities to lead productive lives in America. In doing so, the Institute is committed to a wholistic approach to problem-solving. It provides information and referral to needed services, assistance with immigration problems and family reunification applications, cultural orientation, English classes and conversational tutors and employment and counseling services.

Funding for the Institute's programs comes from a variety of sources. The United Way has been a major source of support since 1954. Current projects are also supported by the Office of Refugee Resettlement and the City and County of San Francisco. Membership contributions, bequests, fund-raising events and investment income also support the Institute.

More than half of the people seek assistance in matters relating to immigration and naturalization. To aid them, the Institute's legal assistance services is composed of a staff attorney, Edward Brooks, a 1977 graduate of Hastings, and five paralegals. There are plans to expand the

number of paralegals to nine or ten due to the increased workload caused by the passage of the new immigration law.

The legal assistance provided includes securing representation for clients threatened with deportation, aiding them to apply for political asylum or suspension of deportation, assisting immigrants and their families to complete the procedures for application for Adjustment of Status through both the immigration service and American Consulates abroad. In addition, the Institute's legal assistance service helps to explain, interpret and clarify the immigration law and the policies of the Immigration and Naturalization Service (INS).

With the recent passage of the Immigration Reform and Control Act of 1986 (IRCA), the importance of the legal assistance provided—and the demands made upon it—will increase. The new immigration law affects millions of people in this country, people without valid papers. In the Bay Area, there are an estimated 300,000 illegal immigrants.

Starting May 5 some, but not all, will be given a one-year opportunity to legalize their presence in the Uni-

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# Institute Helps Immigrants Comply with New Law

Continued from page 8

ted States, leading ultimately to citizenship. IRCA grants amnesty to illegal immigrants who can prove that they have lived here for more than five years continuously, but it also attempts to stop the flow of illegals into the country in the future. Those who do not qualify may be forced to leave the country or go further underground here.

Given the immense impact of IRCA, it is difficult to over-estimate

the importance of the role that the Institute plays today. It will be in the forefront of helping to administer and interpret the new law, and in providing honest and competent assistance.

As ABA President Eugene Thomas pointed out in a recent issue of the ABA Journal, the latter role is very important. He voiced concern over scam services out to swindle the unwary illegal alien, with the effect of depriving them of their "golden

opportunity." He concluded by saying that "(l)awyers have a duty to protect potential victims of such abuses. We also have a continuing interest in making 'justice for all' a reality and thus want to help make a success of this new law."

With many predicting that only 40 per cent of illegal aliens will become legal, they need all the help they can get. Fortunately, organizations such as the Institute will be there to fill the need.

If you wish to help the Institute in its difficult undertaking, you can do so in one of two ways. First, you may become a member. By being one of a steady but small group of dues-paying individuals, you help the Institute to augment grants and contracts, and to show community support for its activities. The Institute states that it is "... looking for people with an interest in international affairs, and with a willingness to help build the bridge between

people and cultures that make it possible to achieve understanding and collaboration in problem solving in our community."

Alternatively, you may wish to volunteer your time and skill in aiding the legal assistance services. The Institute is open from 8:30 a.m. until 5:00 p.m., Monday through Friday. Its telephone number is (415) 673-1720. The offices of the Institute are located at 2209 Van Ness Avenue, between Broadway and Vallejo. ■

## Justice Grodin Returns after Five Year Absence

Continued from page 2

appointed Grodin as Associate Justice of the California Court of Appeal, First Appellate District, Division One, in San Francisco. In February of 1982, he was appointed as Presiding Justice of Division Two, and six months later was appointed Associate Justice of the California Supreme Court, remaining in that position until January of 1987.

Grodin is presently conducting a seminar on the judicial process, for which his background makes him

uniquely qualified. The one-day-a-week seminar explores the nature of the adjudicatory process from the perspective of the court.

Next Fall, Grodin will teach a basic labor law course in addition to his seminar. He also will be giving a series of lectures at the University of California at Los Angeles beginning in May of this year. These lectures will be directed at a non-legal audience. If all goes as well he hopes, Grodin plans to incorporate the lectures into a new book. ■

## Democratic Candidates

Continued from page 4

National Convention, and effectively raised funds to the party's success in the recent Senate elections. Pelosi's effectiveness is her strongest asset and many believe she would become an instant leader in the House and

an introducer of legislation in important committees.

The choice of "San Francisco's Congressperson" is an important one. Fortunately, the candidates are very qualified. ■

## In Brief

### Mountain Lion Petition

The legalized hunting of mountain lions may soon return to California. Shortly, a bill will be presented to Governor Deukmejian which would repeal protective legislation which currently bans the hunting of these magnificent creatures, sometimes called "cougars" or "yuma."

A petition opposing the bill is posted on the Environmental Law Society bulletin board in the basement of the 198 Building. Please sign the petition if you believe that mountain lions belong in the wild, not on someone's wall or as a floor ornament.

The signed petitions will be sent to the Governor. ■



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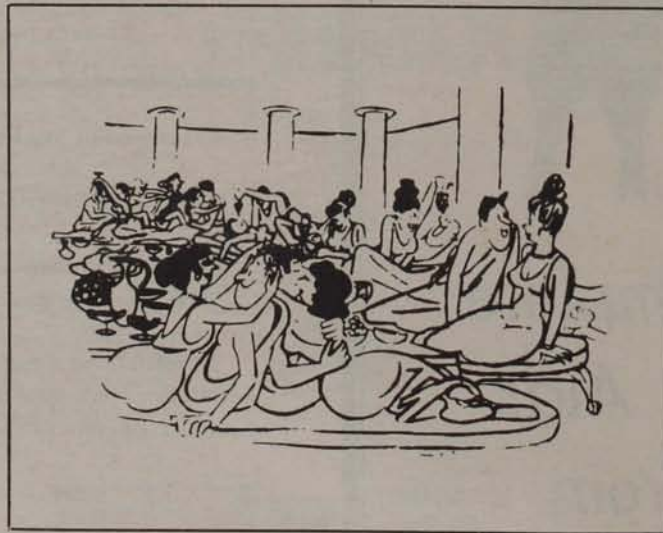
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# Former Agent John Stockwell Lashes Out at CIA

Continued from page 1

"Who are these people we have killed in Nicaragua?" he asked. "Peasants, many women and children. Not even that many Sandinistas, percentage-wise. Mostly Catholics. Not natural enemies of the United States."

Stockwell said that the *contras*, under CIA direction, have been systematically pursuing the destabilization of Nicaraguan society by "blowing up bridges, buses, houses, graineries, health centers . . . They raid farms, terrorize villages."

Stockwell contended that numerous neutral human rights observers have documented a deliberate *contra* policy of terror. A hush fell on the crowd, mostly composed of Hastings students, as Stockwell described *contra* atrocities in graphic detail.

"They go into villages," he said, "they take families, they make the children watch while they castrate the father and peel the skin off his face, and put a grenade in his mouth and pull the pin; they make the children watch while they gang-rape the mother, slash her breasts off, and

kill her."

Stockwell is the highest-ranking agent ever to break from and denounce the CIA. He spent 13 years with the agency, serving in Africa and Vietnam, and rose to the equivalent of the rank of Colonel. In his last assignment, Stockwell coordinated another "secret war," this one for control of the Angolan government, and sat on a subcommittee of the National Security Council with then-Secretary of State Henry Kissinger and other government officials.

"In Search of Enemies," Stockwell's book on his CIA experience, became a best seller. The U.S. government has prevailed in lawsuits against Stockwell and other dissident, former CIA agents, including Frank Snepp, requiring that all profits from their books be turned over to the government and all future writings be subjected to prior approval by the CIA.

Stockwell's talk was sponsored both by ASH and the National Lawyers Guild.

Stockwell outlined the typical CIA

destabilization campaign and related it to the *contra* war in Nicaragua.

"To put pressure on a government you don't like you create conditions where the farmer can't get his produce to market, children can't go to school, the hospitals have to treat wounded instead of sick people, government administration grinds to a halt, . . . the country goes bankrupt, and at some point you hope to be able to step in and impose on the country either your policies or the government of your own choice."

Stockwell voiced fears that intervention by U.S. troops will follow these destabilization efforts. He noted that, in May of this year, 50,000 U.S. troops will engage in military exercises off the Honduran coast. He reported that the Center for Defense Information, an organization of independent military analysts headed by retired Admiral Gene LaRoche, had estimated that 45,000 troops would be enough to successfully invade and occupy Nicaragua.

Stockwell, who has visited Nicaragua eight times since the Sandinista government came to power, challenged the U.S. administration's claims that the Nicaraguan government is a repressive totalitarian regime.

"Propaganda is a large part of the destabilization, propaganda to sway American public opinion. But the Sandinistas abolished the death penalty just about the time we reinstated it in this country. They had 8,000 ex-Guardsmen in their custody and they let every one go, saying they wouldn't jail anyone unless they had proof of individual crimes. They launched a literacy campaign. They set out to build 2,500 clinics. They launched the most sweeping land reform ever attempted in Central America, taking the 35% of the land stolen by the dictator Somoza, and gave it back to the peasants. And they kept it a free-enterprise economy. You or I could go there tomorrow, rent an office, get a phone and start a business."

During discussion after the talk, one student asked Stockwell about reports of "atrocities on both sides" of the conflict. Stockwell urged closer examination of those reports, citing a New York Times article concerning a report on the war by Americas Watch, an independent research group.

According to Stockwell, the headline of the Times article was misleading in that it implied that the report gave account of equivalent atrocities on each side.

"If you look at the Americas Watch report," said Stockwell, "you find that the *contra* are torturing and murdering families, while the Sandinista 'atrocities' consist of arrest and interrogation, not torture."

When contacted by the Law News, the CIA refused comment on Stockwell's allegations, saying simply that Stockwell left the agency as a "disgruntled employee" more than ten years ago.

## Letters to the Editor

Continued from page 7

and treatment and continues to do little in the area of AIDS education (the only current means of prevention). Nor has he described as "inexcusably offensive" those who would encourage or condone discrimination against people with AIDS and those "suspected" or having it. No, Daniels has saved his "outrage" for those individuals who have taken the initiative to address these massive problems with their own time, energy and money. Evidently unconcerned with the tragedy of this epidemic or the contributions that these Hastings students have made toward fighting it, he instead derides them for bringing "immorality" to our campus. His choice of targets is confusing at best.

I may not be able to match Daniels' formidable experience at feeling indignant or offended, but please forgive me if I—as a Hastings student, a health professional and a gay man—feel compelled to register just a slight twinge of "moral outrage" myself.

David Keepnews, R.N., M.P.H.  
Class of 1988

### To The Editor:

David Daniels was morally outraged and yet fabulously tickled to learn that a brief portion of a gay porno video was inadvertently shown at the Hastings AIDS Awareness Day/Blood Drive ["Blood and Insanity," March 16]. Most law students probably share his amusement at this faux pas. It's the kind of story that appeals to the adolescent sense of humor which few of us fully outgrow. I would even agree that it was newsworthy, but it's the kind of innocuous story that should be limited to Herb Caen or used as a space filler; to provide a naughty giggle with our morning cup of coffee. You know, "Lite" News. It is not the kind of incident that many Bay Area law students can get incensed about. Nevertheless, Daniels was "disgruntled that such a perfect occasion for the expression of moral outrage passed (him) by."

This comes from the same man who advised us to refrain from questioning the ethics of the CIA's support of the *Contras* lest we begin "sliding into the slippery morass of morality." Gee whiz, it's either a strange time to decide to take that first plunge into the cesspool of recti-

tude or another example of ducking into a penumbra of virtue while vilifying "subversives." Daniels joins the likes of Reverends Falwell and Swaggert when he invokes the fire and brimstone of hell as the justification for his opinion-page queer-bashing.

First, the students and groups who sponsored the event deserve nothing but kudos. Not only did their efforts result in the collection of over 100 units of blood, but they also informed us of how to prevent infection of the AIDS virus. Such acts save lives. A fact entirely missed by Daniels. Special commendation should go to Sherry Glassman for her great efforts in the planning and execution of the event.

Second, not only does Daniels have no legitimate business questioning the "integrity of the AIDS Foundation," but he has once again, in his capacity as Editor-in-Chief of our newspaper, cheapened the debate and detracted from an issue important to the students of Hastings. In his mind, the most vital matter to editorialize about in regard to the AIDS epidemic, which ravages our city and threatens the health of every person on campus, is the fact the AIDS Foundation utilizes an erotic film to impart safe sex practices to a segment of the population, and that this film was carelessly sent to a law school. Not quite the scoop of the century.

Forget about conveying life-saving information to the readers of the Law News who either missed the event or were too embarrassed to attend. Ignore the legal debates over AIDS and job discrimination, mandatory blood tests, and so forth. Omit any discussion of national catastrophic health insurance. But froth at the mouth when a dirty movie—a dirty *homosexual* movie—accidentally makes its way into an otherwise extremely utilitarian event.

Experts, such as U.S. Surgeon General Koop, warn that the public's unwillingness to confront the specifics of this dreaded disease serve to exacerbate the epidemic. Daniels' righteous snickering only reinforces this hide-your-head-in-the-sand attitude.

It's easy to make fun of Daniels' extreme views and circuitous reasoning. In person he tries to be charming, and his military demeanor and appearance reminds many of us of a

young Lt. Col. Oliver North. Unfortunately, as Editor-in-Chief of our newspaper he sits atop one of the bigger soap boxes on campus. I cringe with embarrassment to think that non-Hastings people may read the Law News.

Matthew D. Davis  
Class of 1989

## From An Alumnus

### Editor:

I graduated from your soon-to-be alma mater in 1973 and have tried to keep in touch through various alumni activities. Recently I read several issues of the Law News, smuggled to me by one of your classmates who works in our office. Although I suppose I shouldn't be, I'm surprised to find that the life of a student at Hastings hasn't changed much in the past 13 years.

When I was in school the overriding concern for most of us was survival. The next class, the next exam, and for some, the next meal. Vietnam was still on, and our "campus" was a focal point for protest. The "administration" were the "bad guys," the faculty was too old and didn't understand students' morality, and the books were too heavy. A.S.H. did its thing, although most of us weren't all that interested. A few worthwhile programs got off the ground, like the child care center and the blood drive, but most of us weren't involved. We were busy trying to survive Contracts, T & E, Equity and Conflicts.

I guess some things never change. I'm still arguing with the Dean, although I now call him by his first name. Among the alumni there are circles within circles arguing about any number of "momentous" issues which, in the grand scheme of things, won't make much difference. But, we care and that makes us speak up, disagree and get downright nasty at times.

I only hope we remember why we're doing all of this. We're for you, and you for you; and all of us for Hastings.

Hang in there. The Bar Exam is just around the corner. And you thought law school was bad!!!

Kris Whitten 73

## PACE Evaluations

### To The Editor:

Before the semester ends, students will be asked to evaluate professors' performance. Students should know that the only part of those PACE evaluation forms the academic dean's office will ever see, ordinarily, is the front part. I know that many students take the time to write comments on the back of these forms, partly because the questions you write may be read by your professor, but the dean's office doesn't see them. All the academic dean sees is a compilation of the answers—the percentage of responses that rated the professor "1," "2," "3," "4," or "5," for each of the questions on the front of the evaluation form. In fact, if you ask at the library circulation desk, you can see exactly what the dean sees—a compilation of ratings for each professor at Hastings, without even a copy of the questions asked and without any written comments.

Therefore, if you want to send a message to the dean's office that a particular professor is really, really terrible and should not be teaching, the only way to do that so that the dean will notice is to rate the professor poorly on *all* the questions on the evaluation form.

Thank you, and let's hope this works.

Jan Van Dusen

Letters to the Editor should not exceed 500 words and must bear identification of the author when submitted, though the Editor may, with good cause, choose to withhold the name of the author from print. The Editor maintains the right to refuse letters which are libelous, in poor taste, constitute an attack on personal integrity, are repetitive of letters in the same or previous issues or are lengthy. Letters must be submitted within two weeks after the publication of the issue to which they refer. Letters which are not typed and double spaced when submitted will be refused.



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